

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3116-1
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
JOSE HERNANDEZ and	)	
URIEL HERNANDEZ RUIZ,	)	
	)	
Defendants.	)	

This matter is before the court on Defendant Jose Hernandez's statement of objections (filing 41) to a report and recommendation by Magistrate Judge Piester (filing 34), recommending denial of Defendant's motion to suppress (filings 18). I adopted the report and recommendation on January 23, 2006 (filing 38), but subsequently granted Defendant leave to object out of time (filing 40).

Upon de novo review, I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, Defendant's statement of objections should be denied. Thus, the court's previous memorandum and order, adopting the report and recommendation and denying Defendant's motion to suppress, will remain in full force and effect.

IT IS ORDERED that:

1. Defendant Jose Hernandez's statement of objections (filing 41) is denied.

2. The court's memorandum and order of January 23, 2006 (filing 38), shall not be disturbed, and is hereby reaffirmed.

January 27, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge